

# FILED SEP 16 2021 Clerk of the Appellate Courts Rec'd By Lmm ADM 2021-00610

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## STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

Mailing Address: 403 Seventh Avenue North, Room 202 Nashville, TN 37243

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Dee David Gav Board Chair

G. Andrew Brigham Vice Chair

Marshall L. Davidson, III Disciplinary Counsel

Shane Hutton Assistant Disciplinary Counsel

Jeffrey M. Atherton
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Benjamin S. Purser, Jr.
Richard Rogers
Dan Springer
Terica N. Smith
Valorie L. Smith
John W. Whitworth
Robert W. Wilkinson

September 16, 2021

Judiciary Committee of the Senate Senator Mike Bell 716 Cordell Hull Building Nashville, TN 37243

Dear Senator Bell

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of August, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Board Chair

DDG/sp Enclosure



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Judiciary Committee of the House Representative Michael Curcio 630 Cordell Hull Building Nashville, TN 37243

Dear Representative Curcio:

DDG/sp Enclosure

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of August, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Board Chair

James M. Hivner, Clerk 401 Seventh Avenue, North Nashville, TN 37219-1407 615-253-1470

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Clerk of the Appellate Courts Rec'd By Lmm

ADM 2021-00010

### BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR AUGUST 2021

The number and category of complaints OPENED<sup>1</sup>:

<u> 1</u>	HIS	
MO	NTH	YEAR-TO-DATE
A) Failure to comply with law:	28	144
B) Bias, prejudice and unfairness:	4	36
C) Discourtesy:	1	10
D) Abuse of office:	0	20
E) Delay:	2	11
F) Ex parte communications:	0	3
G) Disability:	0	0
H) Political violation:	0	1
I) Recusal:	0	8
J) Miscellaneous:	0	_3
$TOTAL^2$ :	35	236

The number and category of complaints CLOSED:

	THIS	
<u>M</u>	ONTH	YEAR-TO-DATE
A) Failure to comply with law:	11	136
B) Bias, prejudice and unfairness:	2	32
C) Discourtesy:	3	9
D) Abuse of office:	3	22
E) Delay:	0	8
F) Ex parte communications:	0	3
G) Disability:	0	0
H) Political violation:	0	1
I) Recusal:	0	6
J) Miscellaneous:	0	1
TOTAL	19	218

<sup>1.</sup> A single complaint naming several judges is counted as a separate complaint against each judge. A complaint whose allegations encompass more than one category is listed under the most serious category alleged. On March 13, 2020, the Tennessee Supreme Court declared a state of Emergency for the Judicial Branch of Tennessee government and suspended in-person court proceedings, with certain exceptions through March 31, 2020. See In re: Covid-19 Pandemic, No. ADM2020-00428 (Tenn. 2020). On March 25, 2020, the Tennessee Supreme Court continued the suspension of in-court proceedings through April 30, 2020. Id. On April 24, 2020, the Tennessee Supreme Court modified the prior suspension of in-person proceedings. See In re: Covid-19 Pandemic, No. ADM2020-00428 (Tenn. April 24, 2020).

<sup>2.</sup> Out of the 35 total complaints filed, 51% were filed by inmates. Similarly, out of the 35 complaints, 97% were filed by the party that lost in the underlying proceeding.

#### DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> ONTH	YEAR-TO-DATE
Dismissed, complaint about court ruling	. 5	90
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis	_	28
Dismissal with warning	_	1
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		2
		0
Public reprimand		13
Other		2
Retired complaint, no longer a judge		0
Suspension	0	
Recommendation of removal from office		- 0
TOTAL	11	136
	<u>CHIS</u> ONTH	YEAR-TO-DATE
		YEAR-TO-DATE
B) Bias, prejudice and unfairness:	ONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling	<u>ONTH</u> 0	
B) Bias, prejudice and unfairness:	ONTH 0 0	11
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	ONTH 0 0 - 1	11 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	ONTH 0 0 1 1	11 0 16
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	ONTH 0 0 1 1 0	11 0 16 2
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	ONTH 0 0 1 1 0 0	11 0 16 2 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH 0 0 1 1 0 0 0 0	11 0 16 2 0
B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH 0 0 1 1 0 0 0 0	11 0 16 2 0 0
B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other	ONTH 0 0 1 1 0 0 0 0	11 0 16 2 0 0 0
B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand Retired complaint, no longer a judge	ONTH - 0 0 0 - 1 - 1 - 0 - 0 - 0 - 0 - 0 - 0 - 0	11 0 16 2 0 0 0 0 0 3
B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other	ONTH 0 0 1 0 0 0 0 0	11 0 16 2 0 0 0 0 0 3

C) P'	<u>THIS</u> MONTH	YEAR-TO-DATE
C) Discourtesy:	. 0	2
Dismissed, complaint about court rulin		2
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		5
Dismissal with warning		2
Dismissal after full investigation		0
Deferred discipline agreement	0	0
Private reprimand		0
Public reprimand		0
Other		0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from offi	ce <u>0</u>	_0
TOTAL	3	9
D) Abuse of office:	THIS MONTH	YEAR-TO-DATE
Dismissed, complaint about court rulin	<u>MONTH</u> g 1	4
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  ag 1 0	4 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  1 0 1	4 0 13
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 1	4 0 13 2
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  1 0 1 1 0	4 0 13 2 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	4 0 13 2 0 1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  19 1 0 1 0 0 0	4 0 13 2 0 1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  19 1 0 1 0 0 0 0	4 0 13 2 0 1 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  19 1 0 1 0 0 0 0 0	4 0 13 2 0 1 0 0 0 2
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  ag 1 0 1 0 0 0 0 0 0	4 0 13 2 0 1 0 0 0 2 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 1 0 0 0 0 0 0	4 0 13 2 0 1 0 0 0 2
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 1 0 0 0 0 0 0 0 0 0 0	4 0 13 2 0 1 0 0 0 2 0

E. D. I	<u>THIS</u> MONTH	YEAR-TO-DATE	
E) Delay:	. ^	1	
Dismissed, complaint about court ruling	-	1	
Dismissed, no jurisdiction		4	
Dismissed, inadequate factual basis Dismissal with warning		1	
Dismissal after full investigation		0	
Deferred discipline agreement		1	
Private reprimand		0	
Public reprimand		0	
Other		i	
Retired complaint, no longer a judge		0	
Suspension		0	
Recommendation of removal from office	e 0	0	
TOTAL	0	8	
	THIS		
	<u>THIS</u> MONTH	YEAR-TO-DATE	
F) Ex parte communications:		YEAR-TO-DATE	
F) Ex parte communications: Dismissed, complaint about court ruling	MONTH	YEAR-TO-DATE	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0		
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0	1	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0	1 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0  0  0  0	1 0 2	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0	1 0 2 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0	1 0 2 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0	1 0 2 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0	1 0 2 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Retired complaint, no longer a judge	MONTH  g 0 0 0 0 0 0 0 0	1 0 2 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Retired complaint, no longer a judge Suspension	MONTH  g 0 0 0 0 0 0 0 0 0	1 0 2 0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Prublic reprimand Retired complaint, no longer a judge Suspension Recommendation of removal from office	MONTH  g 0 0 0 0 0 0 0 0 0 0	1 0 2 0 0 0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Retired complaint, no longer a judge Suspension	MONTH  g 0 0 0 0 0 0 0 0 0	1 0 2 0 0 0 0 0 0 0	

Dismissed, no jurisdiction		HIS ONTH	YEAR-TO-DATE
Dismissal with warning			0
Dismissal after full investigation			•
Deferred discipline agreement			•
Private reprimand         0         0           Public reprimand         0         0           Other         0         0           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         0         0           TOTAL         0         0    THIS  MONTH  YEAR-TO-DATE  H) Political violation:  Dismissed, complaint about court ruling         0         0           Dismissed, no jurisdiction         0         0         0           Dismissed, inadequate factual basis         0         0         0           Dismissal with warning         0         1         0           Deferred discipline agreement         0         0         0           Private reprimand         0         0         0           Public reprimand         0         0         0           Other         0         0         0           Retired complaint, no longer a judge         0         0           Recommendation of removal from office         0         0			•
Public reprimand         0         0           Other         0         0           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         0         0           TOTAL         0         0    THIS  MONTH  YEAR-TO-DATE  H) Political violation:  Dismissed, complaint about court ruling         0         0           Dismissed, no jurisdiction         0         0         0           Dismissed, inadequate factual basis         0         0         0           Dismissal with warning         0         1         0         0           Dismissal after full investigation         0         0         0         0         0           Private reprimand         0<			-
Other	Private reprimand	0	-
Retired complaint, no longer a judge 0			-
Suspension			
THIS   MONTH   YEAR-TO-DATE	Retired complaint, no longer a judge	0	•
THIS   MONTH   YEAR-TO-DATE	Suspension	0	•
THIS MONTH         YEAR-TO-DATE           H) Political violation:         VEAR-TO-DATE           Dismissed, complaint about court ruling			
MONTH         YEAR-TO-DATE           H) Political violation:         0           Dismissed, complaint about court ruling	TOTAL	0	0
Dismissed, complaint about court ruling       0       0         Dismissed, no jurisdiction       0       0         Dismissed, inadequate factual basis       0       0         Dismissal with warning       0       1         Dismissal after full investigation       0       0         Deferred discipline agreement       0       0         Private reprimand	<u>M</u> C		YEAR-TO-DATE
Dismissed, no jurisdiction		0	0
Dismissed, inadequate factual basis       0       0         Dismissal with warning       0       1         Dismissal after full investigation       0       0         Deferred discipline agreement       0       0         Private reprimand			-
Dismissal with warning			
Dismissal after full investigation			1
Deferred discipline agreement	Dismissal will warning	0	0
Private reprimand         0         0           Public reprimand         0         0           Other         0         0           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         0         0	Deferred discipline agreement	0	
Public reprimand         0         0           Other         0         0           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         0         0	Drivete reprimend	0	
Other	Public reprimend	0	Ÿ.
Retired complaint, no longer a judge 0 0 Suspension 0 0 Recommendation of removal from office 0 0	Other	0	
Suspension $-$ 0 Recommendation of removal from office $-$ 0 $\underline{0}$			
Recommendation of removal from office $-\underline{0}$	Supposion	0	ŭ
	TOTAL	0	<u>~</u>

_	<u>'HIS</u> DNTH	YEAR-TO-DATE
I) Recusal:	JIVIII.	15.11.10 5.11.2
Dismissed, complaint about court ruling	0	4
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		2
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand	0	0
Public reprimand	0	0
Other	0	0
Retired complaint, no longer a judge	. 0	0
Suspension		0
Recommendation of removal from office		_0
TOTAL	0	6
]	HIS	
-	THIS ONTH	YEAR-TO-DATE
J) Miscellaneous:	HTMC	YEAR-TO-DATE
J) Miscellaneous: Dismissed, complaint about court ruling	ONTH 0	YEAR-TO-DATE
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0 0	
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	ONTH 0 0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	ONTH 0 0 0 0	0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	ONTH  0 0 0 0 0 0 0 0 0 0	0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH  0 0 0 0 0 0 0 0 0 0 0	0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH  0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	ONTH  0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Private reprimand Retired complaint, no longer a judge	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Other	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Private reprimand Retired complaint, no longer a judge	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0